

IN THE CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE
TWENTIETH JUDICIAL DISTRICT AT NASHVILLE

STATE OF TENNESSEE, ex rel,
ROBERT E. COOPER, JR.,
Attorney General & Reporter,

Plaintiff,

v.

OLUDARE SAMUEL OLOMOSHUA, a.k.a
DR. OLUDARE SAMUEL OLOMOSHUA,
a.k.a. *SAM ADU*, a.k.a. *S. O. B. ADU*,
individually and collectively doing business as
WISDOMITE SPIRIPATHOLOGY
HEALING MISSION AND MUSIC
MINISTRY, INC., SPIRIPATHOLOGY
SCHOOL OF MEDICINE, WISDOMITE
HEALING MISSION and
www.spiripathologyhealing.com, and
WISDOMITE SPIRIPATHOLOGY
HEALING MISSION AND MUSIC
MINISTRY, INC., a domestic non-profit
corporation doing business as WISDOMITE
HEALING MISSION, SPIRIPATHOLOGY
SCHOOL OF MEDICINE, and
spiripathologyhealing.com,

Defendants.

NOV 15 2006
RICHARD R. FUCHER, CLERK
U.C.

No. 0602912

ORDER GRANTING TEMPORARY INJUNCTION

The State's Motion for Temporary Injunction came to be heard on November
16, 2006. Based upon the arguments of the parties, the State's Complaint and its
Exhibits, the Motion and its Exhibits and the record herein, the Court finds that the

Plaintiff's Motion for Temporary Injunction should be granted.

The Court finds as follows:

1. This Court has jurisdiction of the subject matter of this case and the parties pursuant to Tenn. Code Ann. § 47-18-108. Venue is proper in Davidson County pursuant to Tenn. Code Ann. § 47-18-108(a)(3), because it is the county where the conduct alleged in the complaint took place and continue to take place.

2. The Court concurs that the proper standard for a statutory temporary injunction is the one applied in *Tennessee Real Estate Comm'n v. Hamilton*, No. 96-3330-III, 12-13, Ch. Ct. of Tenn., 20th Jud. Dist., Davidson County, Part III (Dec. 1996), *aff'd*, No. 01A01-9707-CH-00320, 1998 WL 272788, at *4-6 (Tenn. Ct. App. May 22, 1998) and *FTC v. Nat'l Testing Servs., LLC*, No. 3:05-0613, 2005 WL 2000634 (M.D. Tenn. Aug. 18, 2005). Pursuant to *Tennessee Real Estate Commission* and *National Testing Services*, the movant's burden for a statutory temporary injunction is met upon a demonstration of a likelihood of success of demonstrating at trial that the non-movants are violating the statute. A showing of immediate and irreparable harm is assumed with the violation of a statute. Proof of immediate and irreparable harm or the inadequacy of other remedies is not required for a statutory injunction.

3. The Court concurs that it is likely that the State will succeed on the merits of this action in showing that Defendants have violated the Tennessee Medical Practice Act, Tenn. Code Ann. § 63-6-101 *et seq.* ("the Medical Practice Statute) through

Defendants' conduct as detailed in the State's Complaint and its exhibits, the State's Motion with Exhibits, and the Supporting Memorandum.

4. The Court concurs that it is likely that the State will succeed on the merits of this action in showing that Defendants have violated the Tennessee Consumer Protection Act of 1977, Tenn. Code Ann. § 47-18-101 *et seq.* ("TCPA" or "Consumer Act") through their Defendants' conduct as detailed in the State's Verified Complaint and its exhibits, the State's Motion with exhibit, and the Supporting Memorandum. 4.5.
5. No bond is required of the State for the issuance of this statutory preliminary injunction pursuant to Tenn. Code Ann. § 47-18-108(a)(4).

Definitions

For the purpose of this preliminary injunction order, the following definitions shall apply:

6. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following words or terms have the following meanings as used in this Order:

(A) "Clearly and conspicuously" means as follows:

- (1) In an advertisement communicated through an electronic medium (such as television, video, radio, and interactive media such as the Internet, any Web site, or online services), if the disclosure is given orally, the disclosure shall be delivered in a volume and cadence sufficient for an ordinary consumer to hear and comprehend. For a disclosure given in the video portion of an advertisement, the disclosure shall be of a size and shade, and shall appear on the screen for a duration, sufficient for an ordinary consumer to read, or obtain access to, and comprehend.
- (2) Disclosures in interactive media are required to provide consumers material information about a transaction. Whether a

disclosure meets this standard is measured by its performance--that is, how a reasonable consumer actually perceives and understands the disclosure within the context of the entire ad. The key is the overall net impression of the disclosure--that is, whether the claims consumers take from the disclosure are truthful and substantiated.

- (3) The disclosure must assume that consumers do not read an entire Web site, just as they do not read every word on a printed page.
 - (4) In addition to the foregoing, in interactive media such as the Internet, any Web site, or online services, the disclosure shall be unavoidable and shall be presented prior to the consumer incurring any financial obligation.
 - (5) The disclosure shall be in understandable language and syntax. Nothing contrary to, inconsistent with, or that otherwise interferes with a consumer's understanding of the disclosure shall be used in any advertisement. Further, a subsequent disclosure only limits or qualifies a prior disclosure and cannot cure a false claim.
- (B) "consumer" or "patient" shall mean any person, a natural person, individual, governmental agency or other entities, partnership, corporation, trust, estate, incorporated or unincorporated association, and any other legal or commercial entity however organized and wherever situated.
- (C) "Defendants" shall mean Wisdomite Spiripathology Healing Mission and Music Ministry, Inc., a domestic non-profit corporation ("Wisdomite"), Oludare Samuel Olomoshua, aka Dr. Oludare Samuel Olomoshua, aka Sam Adu, aka SOB Adu ("Olomoshua"), Spiripathology School of Medicine, Wisdomite Healing Mission and www.spiripathologyhealing.com and each of their officers, directors, partners, subsidiaries, affiliates, managers, parents, related entities, successors, agents, representatives, sales staff, employees, agents, successors and assigns, and other persons in active concert or participation with Wisdomite Spiripathology Healing Mission and Music Ministry, Inc., a domestic non-profit corporation ("Wisdomite"), Oludare Samuel Olomoshua, aka Dr. Oludare Samuel Olomoshua, aka Sam Adu, aka SOB Adu ("Olomoshua"), Spiripathology School of Medicine, Wisdomite Healing Mission and www.spiripathologyhealing.com.

- (D) "Document" is equal in scope and synonymous in meaning to the usage of the term in Tennessee Rule of Civil Procedure 34, and includes writings, drawings, charts, graphs, photographs, audio and video recordings, computer records, and any other data compilations from which information can be obtained.
- (E) "The Medical Practice Act" shall mean Tenn. Code Ann. § 63-1-121 and 63-6-101 *et seq.* and as may be amended from time to time and any rules and regulations promulgated thereunder.
- (F) "Order" shall refer to this Temporary Injunction Order.
- (G) "Temporary Injunction" has the same meaning and is interchangeable with Preliminary Injunction.
- (H) "Tennessee Consumer Protection Act of 1977", "TCPA", or "Consumer Act" shall mean Tenn. Code Ann. § 47-18-101 *et seq.* and as may be amended from time to time
- (I) "Trade," "commerce," or "consumer transaction" means the advertising, offering for sale, lease or rental or distribution of any goods, services, or property, tangible or intangible, real, personal, or mixed, and other articles, commodities, or things of value wherever situated, as defined in Tenn. Code Ann. § 47-18-103(11).

Temporary Injunction: Prohibitions
And Affirmative Requirements of Defendants

7. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that

Defendants, Wisdomite Spiripathology Healing Mission and Music Ministry, Inc., a domestic non-profit corporation ("Wisdomite"), Oludare Samuel Olomoshua, aka Dr.

Oludare Samuel Olomoshua, aka Sam Adu, aka SOB Adu ("Olomoshua"),

Spiripathology School of Medicine, Wisdomite Healing Mission and

www.spiripathologyhealing.com (collectively referred to as "Defendants") and, each of

their officers, directors, partners, subsidiaries, affiliates, managers, parents, related

entities, successors, agents, representatives, sales staff, employees, agents, successors and assigns, and other persons in active concert or participation with Defendants who receive actual notice of this Temporary Injunction Order are enjoined and required as follows. This Court preliminarily enjoins the Defendants from engaging, directly or indirectly, in any acts which are unlawful and further require the Defendants to satisfy the affirmative requirements and in the State's Complaint and Motion, including but not limited to, the following:

- (A) Defendants shall be strictly prohibited from offering (directly or indirectly) any diagnosis, medical care, treatment or services for any diseases, conditions or illnesses from the State of Tennessee or to Tennessee consumers unless a licensed Tennessee medical doctor is providing the medical care, treatment and/or services.
- (B) Defendants shall fully comply with the Medical Practice Act, Tenn. Code Ann. §§ 63-6-101, *et seq.*
- (C) Defendants shall be strictly prohibited from (directly or indirectly) offering any medical cures or other treatments in or from the State of Tennessee unless and until those cures, or other treatments are substantiated by two well-controlled, double-blind, scientific studies written by doctors licensed in the United States and contained in a peer-reviewed medical journal. This shall include, but is not in any way limited to, a prohibition from promoting any of the following: HIV/AIDS syrup, Spiripathy Mystical Protection Soap, Spiripathy Jinx Removing Mystical Sprinkling Salt, Spiripathy Mystical Protection Anointing [sic] Perfume, Spiripathy Rose of Jerico [sic] Mystical Solution, Spiripathy anointed great Victory Incense, Spiripathy Anointed Oil, Spiripathy 909 500 ML, Anti Cancer Spiripathy DSR.2003 NY Bronx 500 ml, Spermaso "D" Syrup, Hemorrhoid medicine, Diuretic Syrup, Black Herman Fibroid Powder, St. Michael AA Syrup, Black Herman Caloria DB Syrup, Bacillus TB Syrup, Asthmatic Syrup, Gonocaptor Syrup, Hyperduretive Syrup, Samoqueine Syrup, Ordinary F.P. Methodology, Explosion 3000 soap, Explosion 3000 Syrup, Explosion 3000 Oil, Spiripathy Perfect Healing to Incurable Diseases Incense, DSR 2003 NY Bronx Anti

Breast Cancer Super Set, Spiripathy Anit [sic] Asthma, Spiripathy DSR_2003 Anti Alzheimer's Disease Syrup, Spiripathy DSR 2003 Anti Multiple Scleroses, Spiripathy Therapy SRT (SG-400) For Cancer, Spiripathy DSR 2003 NY Bronze, Spiripathy DSR 2003 Anti Emphysema Syrup and DSR 2003 Peace Maker Anti HIV/AIDS.

- (D) Defendants shall be strictly prohibited from teaching others to engage in the practice of medicine without a license through its "medical school" or otherwise.
- (E) Defendants shall be strictly prohibited from representing that they have an money-back guarantee when the terms or conditions of the guarantee does not apply for those who seek scientific verification that they have been cured.
- (F) Defendants shall be strictly prohibited from promoting a guarantee without clearly and conspicuously disclosing the terms of the guarantee.
- (G) Defendants shall be affirmatively required to and shall remove all content from the web site www.spiripathologyhealing.com concerning medical cures or treatments, shall not repost this content in this or another web address, or make new disease, condition or illness cure or treatment claims without the treatments or medical cures being substantiated by two well-controlled, double-blind scientific studies written by doctors licensed in the United States and contained in a peer-reviewed medical journal for use as a treatment or cure for the particular disease, condition or illness.
- (H) Defendants shall be prohibited from distributing and disseminating from the State of Tennessee or to Tennessee consumers documents, excerpts, or passages from the documents or electronic books entitled, "Complete Profile of Dr. Oludare Sam Olomoshua Specialist on Cancer & HIV/AIDS Asking for Contract to Give Perfect Cure to HIV/AIDS Carrier From United States," "The Medical Nuisance," and "Perfect Healing to Cancer & HIV/AIDS, With the Modern Medicine of Our Time" that make unsubstantiated treatment, and medical cure claims. Further, Defendants are prohibited from disseminating from the State of Tennessee or to Tennessee consumers documents, excerpts, or passages from "The Golden Gate to Diamond House of Prosperity," and "Wave Brain Attack on Mankind, the Worst

Catastrophe of Our Time and How to Cure It” that concern claims about cures or treatments for diseases, illnesses and conditions.

- (I) Defendants shall be prohibited from representing either directly or indirectly that Mr. Oludare Samuel Olomoshua is a physician or a medical doctor (M.D.) unless and until Mr. Oludare Samuel Olomoshua complies with Tenn. Code Ann. § 63-6-207 or 63-6-211 and has a medical license issued by the State of Tennessee.
- (J) Defendants shall be prohibited from representing either directly or indirectly that Mr. Oludare Samuel Olomoshua is a “HIV/AIDS specialist,” “cancer specialist,” or other medical specialist without receiving a license to practice medicine from the State of Tennessee and fully complying with the Board of Medical Examiners’ regulation governing advertising, Tenn. Adm. R. & Regs. 0880-2-.13.
- (K) Defendants shall be prohibited from representing Mr. Oludare Samuel Olomoshua as a Doctor of Philosophy (Ph.D.) unless and until Mr. Olomoshua graduates from an accredited graduate school widely recognized in the field of chosen study and receives a Ph.D.
- (L) Defendants shall be strictly prohibited from representing or encouraging, directly or by implication, that consumers should forego traditional established medical treatments for any health condition, illness or disease, including, but not limited to, chemotherapy, surgery, radiation, vaccinations or transplants in favor of Spiripathy or other similar treatment, unless and until Mr. Olomoshua provides substantiation for the claims or comparison in two double-blind, scientific studies written by two doctors licensed in the United States in a peer reviewed medical journal
- (M) Without limiting the scope of any other injunctive provision herein, unless and until the individual Defendants are licensed medical doctors in the State of Tennessee and until they receive substantiation for their treatments by two well-controlled, double-blind scientific studies written by doctors licensed in the United States and contained in a peer-reviewed medical journal, Defendants shall be strictly prohibited from representing, directly and by implication, that:
 - (i) Defendants offer “100% PERFECT HEALING OF CANCER and HIV/AIDS;”

- (ii) Defendants offer the perfect cure for Cancer and HIV/AIDS;
 - (iii) "IF IT EXISTS UNDER THE SUN, SPIRIPATHOLOGY MEDICINE HAS THE CURE," (or term or phrase of similar import),
 - (iv) Defendants can cure or possess the cure for: (1)HIV/AIDS, (2)adrenal cortical cancer, (3) anal cancer, (4), bile duct cancer, (5) bladder cancer, (6) bone cancer, (7) brain tumors, (8) cervical cancer, (9) Anal Cancer, (10) Childhood non-Hodgkin's Lymphoma, (11) colon cancer, (12) rectum cancer, (13) eudiometrical cancer, (14) eye cancer, (15) gallbladder cancer, (16) gastrointestinal cardioid tumor, (17) Hodgkin's disease, (18) Kaposi's sarcoma, (19) kidney cancer, (20) laryngeal and hypo pharyngeal cancer, (21) leukemia, (22) liver cancer, (23) lung cancer, (24) breast cancer (both female and male), (25) nasal cancer, (26) nasopharyngeal cancer, (27) neuroblastoma, (28) oral cavity cancer, (29) ovarian cancer, (30) pancreatic cancer, (31) prostate cancer, (32) rhabdomyosarcoma, (33)salivary gland cancer, (34) skin cancer, (35) stomach cancer, (36) testicular cancer, (37) thyroid cancer, (38) uterine sarcoma, (39) vaginal cancer, (40) Wilms' tumor, (41) schizophrenia, (42) high blood pressure, (43) depression, (44) emphysema, (45) multiple sclerosis, (46) Parkinson's disease, (47) Alzheimer's disease,(48) diabetes, (49) yellow fever, (50) malaria, (51) asthma, (51) or any other disease, condition or illness.
 - (v) Defendants' medicine gives perfect cure to HIV/AIDS from the man that discovered perfect cure to the three human Immunodeficiency Viruses Type 1, 2 and Type INz, when that is not true.
- (N) Defendants shall be strictly prohibited from directly or by implication, representing, that if one's Will House is strong enough, someone can ward off viruses even with unprotected sex, (or term or phrase of similar import) without substantiation from two double-blind, scientific studies written by two doctors licensed in the United States in a peer reviewed medical journal

- (O) Defendants shall be prohibited from publishing, disseminating, posting, or otherwise distributing the photographs or other personally identifying information of another without that person's express permission.
- (P) Defendants are prohibited from directly or by implication violating the Health Insurance Portability and Accountability Act (HIPAA).
- (Q) Defendants shall timely and fully comply and cooperate with the Department and Attorney General's Office when information is sought pursuant to state law, regulation or rule;
- (R) Defendants shall timely and fully provide information sought by the Department or Attorney General under Tenn. Code Ann. § 47-18-106.

8. IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants shall immediately turn over and/or provide all patient/consumer records and files of the Wisdomite Spiripathology Healing and Music Mission, Inc. and Oludare Samuel Olomoshua and www.spiripathologyhealing.com to Denise Moran, Division of Investigations of the Tennessee Department of Health, by delivering files to 227 French Landing, Suite 201, Nashville, TN no later than 4:00 p.m. on the day of entry of this Order. As deemed appropriate by the Tennessee Department of Health, it will notify consumers/patients of the Defendants that they were not licensed medical professionals and encourage these consumers/patients to seek professional medical treatment from a licensed medical doctor as soon as possible and take any action deemed appropriate to protect the health and safety of consumers who purchased services or products from Wisdomite Spiripathology Healing Mission, Inc., Oludare Samuel Olomoshua and www.spiripathologyhealing.com. These records shall be treated as confidential and

afforded all protections to protect the privacy of consumer's and patients in medical records. When consumers contacted Defendants they believed they were dealing with a licensed medical professional so this Court orders that the records will be afforded all protections available at law for medical files of patients held by a doctor or other medical facility. These records shall be treated as confidential due to the privacy rights of consumers in records they believed to be possessed by a licensed medical professional in the course of seeking medical treatment.

9. IT IS FURTHER ORDERED that Defendants shall provide the Court with an accounting of all assets in Defendants' possession relating to the Defendants' businesses which Wisdomite Spiripathology Healing Mission and Music Ministry, Inc., a domestic non-profit corporation ("Wisdomite"), Oludare Samuel Olomoshua, aka Dr. Oludare Samuel Olomoshua, aka Sam Adu, aka SOB Adu ("Olomoshua"), Spiripathology School of Medicine, Wisdomite Healing Mission and www.spiripathologyhealing.com and a list of all bank accounts, bank account numbers, and the amounts currently held in those accounts as of the date of this Order.

Full Force & Effect

10. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this Temporary Injunction Order shall remain in full force and effect until completion of a trial on the merits unless otherwise expressly ordered by this Court.

11. IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants shall provide notice of this Order to each of their officers, directors, partners, subsidiaries, affiliates, managers, parents, related entities, successors, agents,

representatives, sales staff, employees, agents, successors and assigns, and other persons in active concert or participation with Defendants who receive actual notice of this temporary injunction order on the day of entry of this Order.

Court Costs

12. Defendants shall pay all court costs associated with this Temporary Injunction Order. No costs shall be taxed to the State as provided by Tenn. Code Ann. §§ 47-18-108(a)(4) and 47-18-116.

SO ORDERED, this 1 day of November, 2006, at 1 4 p.m.


Judge

Davidson County Circuit Court

SUBMITTED BY:


BRANT HARRELL

Assistant Attorney General

B.P.R. No. 24470

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Facsimile: (615) 532-2910

For the State of Tennessee

CERTIFICATE OF SERVICE

I do hereby certify that a copy of the foregoing proposed Order Granting the State's Temporary Injunction Motion was sent through original process to:

Oludare Samuel Olomoshua
1050 44th Avenue North
Nashville, TN 37209

Jefre Scot Goldtrap
176 Second Ave N, Suite 500
P.O. Box 190599
Nashville, TN 37219-0599

on this the 6th day of November, 2006.


BRANT HARRELL
Assistant Attorney General

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